Stuart T. Barasch 1 (State Bar No. 74108) Of Counsel, Olinsky Law Group 2 Law Offices of Stuart Barasch P.O. Box 961719 3 El Paso, TX 79996 Telephone: (213) 621-7622 4 Email: stuartbarasch@gmail.com 5 Attorney for Plaintiff, Shanti Elizabeth Montevaldo 6 7 8 9 10 SHANTI ELIZBETH MONTEVALDO, 11 Plaintiff, 12 v. 13 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 18 19

No. 3:23-cv-06260-LJC

JOINT STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of \$7,004.96 (SEVEN THOUSAND FOUR DOLLARS AND NINETY-SIX CENTS) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of \$405.00 (FOUR HUNDRED FIVE DOLLARS AND ZERO CENTS) under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to Astrue v. Ratliff, 560 U.S. 586, 598 (2010), the ability to honor any assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset

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Date: June 23, 2025

Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses, and costs to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff. Payments may be made by electronica fund transfer (EFT) or by check, and shall be delivered to Olinsky Law Group.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, not an admission of liability on the part of Defendant, under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or counsel, including counsel's firm, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of counsel and/or counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

/s/ Stuart T. Barasch, Esq. STUART T. BARASCH Attorney for Plaintiff

STEPHANIE M. HINDS United States Attorney

/s/ Ryan T. Lu, Esq.¹
Ryan T. Lu, ESQ.
Special Assistant United States Attorney
Attorneys for Defendant

¹ Counsel attests that Ryan Lu, on behalf of Defendant, concurs in the content of this filing and authorized this filing via email on June 23, 2025.

[PROPOSED] ORDER Pursuant to the foregoing stipulation, THE COURT ORDERS Defendant to award Plaintiff attorney fees in the amount of \$7,004.96 (SEVEN THOUSAND FOUR DOLLARS AND NINETY-SIX CENTS) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of \$405.00 (FOUR HUNDRED FIVE DOLLARS AND ZERO CENTS) under 28 U.S.C. § 1920. Date: June 25, 2025 ked States District Judge

Document 20

Filed 06/25/25

Page 3 of 3

Case 3:23-cv-06260-LJC